IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Crl.MC.No. 3077 of 2007()

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SC.555/2003 of SPECIAL COURT FOR TRIAL FOR MARADU CASES,KOZHIKODE

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PETITIONER/ACCUSED NO.98:

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SAKEER, AGED 31,
S/O.KUNHUMARAKKAR (IN CUSTODY)
THEKKADATHU VEEDU,
CHETTIPPADY, PARAPPANANGADI AMSOM,
DESOM, MALAPPURAM DISTRICT.

BY ADV. SRI.P.S.ABDUL KAREEM

RESPONDENT:

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STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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Crl.M.C.No.3077 of 2007

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Dated this the 5th day of October 2007

**O R D E R**

The petitioner is accused No.98 in what is known as Marad Massacre case. Altogether there are about 138 accused. More than 270 witnesses have been examined and a number of documents have been marked. 313 examination is over. Hearing under Section 232 Cr.P.C is also over. The learned Special Judge has directed the accused to enter upon defence. The defence evidence has also commenced. Trial is in progress.

2. In a bail application filed by one of the accused, when the plight of the accused was brought to the notice of this court, directions have been issued to the learned Special Judge to expeditiously complete the trial. Weekly reports have been called for with directions that steps must be taken emergently to complete the trial. The petitioner has now come before this court with a prayer to invoke the jurisdiction under Section 482 Cr.P.C and to stop the further trial.

3. What is his grievance? The short grievance of the petitioner is that though he is entitled for an acquittal at the stage of Section 232 Cr.P.C and does not deserve to stand the trial any longer at the post Section 232 stage, he is being unnecessarily compelled to go along with the co-accused and face the extended trial. It is prayed that powers under Section 482 Cr.P.C may be invoked to quash the proceedings.

4. At the stage of Section 232 Cr.P.C, the trial Judge is not bound to pass a detailed order. The impugned order indicates that the learned Judge had applied his mind to the question whether the accused or any of them are entitled for acquittal at the stage of Section 232 Cr.P.C.

5. The jurisdiction under Section 482 Cr.P.C has to be invoked in aid of justice. An interruption of the proceedings at this stage and calling for all the documents to consider whether that direction issued by the learned Judge is proper or correct would necessarily delay the further progress of the case. That, I am satisfied, shall not be in the interests of justice. It shall be in the interests of justice to ensure that the trial is completed as expeditiously as possible. The learned counsel for the petitioner submits that there is no semblance of evidence against him at all and that he is unnecessarily continuing in custody. The learned Judge has observed that the trial must proceed to the next stage. At this stage, I am not persuaded to invoke the jurisdiction under Section 482 Cr.P.C to interrupt the proceedings to the peril of the petitioner as well as the large mass of co-accused who are also undergoing imprisonment/pre-trial detention. I need only reiterate that I expect the learned Special Judge to expeditiously complete the trial and pronounce judgment in the case.

6. With the above observations, this Criminal Miscellaneous Case is dismissed.

**(R.BASANT, JUDGE)**

jsr // True Copy// PA to Judge

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007